

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>3/5/2013</b>	Received By: <b>tkuczens</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>André Jacque (608) 266-9870</b>	By/Representing: <b>Jamie Julian</b>
May Contact:	Drafter: <b>tkuczens</b>
Subject: <b>Agriculture - other</b>	Addl. Drafters:
	Extra Copies: <b>ret</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Regulation of direct sale of eggs

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### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 4/8/2013			_____			
/P1	tkuczens 6/26/2013	evinz 6/27/2013	jfrantze 6/27/2013	_____	srose 4/9/2013		
/P2	tkuczens 9/26/2013	evinz 9/26/2013		_____	srose 6/27/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			jfrantze 9/26/2013	_____ _____	mbarman 9/26/2013	lparisi 10/23/2013	

FE Sent For:

→ Not  
Needed

&lt;END&gt;

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Wanted: As time permits Same as LRB:  
For: André Jacque (608) 266-9870 By/Representing: Jamie Julian  
May Contact: Drafter: tkuczens  
Subject: Agriculture - other Addl. Drafters:  
Extra Copies: rct

Submit via email: YES  
Requester's email: Rep.Jacque@legis.wisconsin.gov  
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

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/P2		1 eev 9/26/13	1 eav 9/26/13	GM 9/26/13	srose 6/27/2013		

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Subject: Agriculture - other	Addl. Drafters:
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/P1		evinz 4/8/2013	phenry 4/9/2013		srose 4/9/2013		
FE Sent For:		12 elv 6/27/13	6/27				

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/?	tkuczens	1/1 rev 4/8/13	4/9 DH	<del>8/6</del> PL			

FE Sent For:

<END>



## Kuczenski, Tracy

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**From:** Julian, Jamie  
**Sent:** Monday, March 04, 2013 11:22 AM  
**To:** Kuczenski, Tracy  
**Subject:** Farmer to Consumer Egg Bill  
**Attachments:** eggs\_dane county.pdf

Hi Tracy,

Per our phone conversation the basic intent of this bill is to deregulate egg sales in situations where an individual is (1) selling eggs from his/her own flock (2) at a farmer's market (3) directly to consumers/not for resale. Please reference the attachment for information on current WI law. We are okay with the required storage temp for markets – I need to touch base with Rep. Jacque on how he would like to handle labeling, but will be in touch shortly.

Thank you,

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

## Farmers' Market: Eggs

### What are eggs?

The shell egg of the domesticated chicken, turkey, duck, goose, or guinea

### Licensing

- A food processing license is required, on the farm, for washing, packaging, and cold holding the eggs. *Exception: If the eggs are produced at a farm licensed as a Wisconsin Dairy Plant per ATCP 70.03(7)(c), then a food processing license is not required.*
- A Dane County Farmers' Market Vendor license or DATCP Mobile Retail license is required at the Farmers' Market (no copies).
- *If only selling in Dane County, a Dane County Farmers' Market Vendor license is required. If selling in multiple counties, only a DATCP Mobile Retail license is required. Operating simultaneously at multiple markets requires a license for each location.*

### Labeling

Egg cartons must contain this information:

- Product identity
- Name and address of packer or distributor
- Quantity
- Grade and size or "Ungraded"
- Keep Refrigerated
- Date of Pack
- Expiration /Sell by date (not to exceed 30 days including day of pack)
- If reusing cartons, update information
- Safe Handling Instructions, example:

**SAFE HANDLING INSTRUCTIONS:**

To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.



### Storage/Display

- Transport egg cartons in clean equipment and vehicles that can maintain the temperature at 45°F or below
- **Eggs must be stored in an approved unit that will maintain at 41°F or below**
- The storage unit must have a thermometer to verify the temperature
- Store foods a minimum of 6 inches off the ground
- Overhead protection at the point of sale
- Protect foods from customer contamination

### Contacts

Farmers' markets within Dane County:

Public Health-Madison and Dane County  
608-243-0330  
<http://www.publichealthmdc.com/>

Food processing licenses and farmers' markets outside of Dane County:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Food Safety  
608-224-4700  
<http://www.datcp.state.wi.us/index.jsp>

F:\Public\_Health\Environmental Health\Licensed Establishments\Farmers Market\Fact sheets\Specific foods factsheet\Eggs.doc (Updated 9/02/10)

## Kuczenski, Tracy

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**From:** Julian, Jamie  
**Sent:** Monday, March 04, 2013 11:42 AM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Farmer to Consumer Egg Bill  
**Attachments:** MI\_Policy for Egg Sales at Farmer's Markets.pdf; MN Eggs.pdf

I haven't investigated our neighbors enough to know that we want to mirror any one of them exactly, but here are examples:

Iowa – <http://www.dia.iowa.gov/food/controller.aspx?cmd=NavFromMenu&mode=terms>

**"Egg handler" or "handler"** means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food. An egg handler does not include a food establishment or home food establishment if either establishment obtains eggs from a licensed egg handler or supplier which meets standards referred to in rule 481—31.2(137F). ***Producers who sell eggs produced exclusively from their own flocks directly to egg handlers or to consumer customers are exempt from regulation as egg handlers.***

*Iowa exempts the sale of farm fresh eggs from licensing and regulation if the eggs are sold at a farmers market. We ask that the eggs are maintained at 45 degree ambient temperature. If the eggs are sold at another venue (not a farmer's market) they would have to obtain an Iowa Egg Handlers License. Iowa Egg Handlers Licenses are issued by the Iowa Department of Ag. 515-281-8597. In addition to the Iowa Egg Handlers License, a stand would also need to purchase a Temporary Food Service License at the cost of \$33.50 per event.*

MI - Does not license/regulate sold directly from producer to consumer...see attached.

Indiana treats vendors same as commercial – vendors at farmer's markets must license and are regulated...license fee is only approx. \$20 if memory serves (I believe WI is \$95).

MN – see attached page 2...

### A. Licensing requirements

- Persons selling eggs produced only on their farm are exempt from licensing.
- Persons reselling eggs need a license.

**Again, I'll get you specifics on labeling requirements, if any.**

**Thanks!**

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709



[close print view](#)

### **Operating Policy for Egg Sales at Farmers' Markets**

A workgroup was put together in 2008 to focus attention on regulatory issues facing vendors selling products at farmers' markets. That workgroup consists of representatives from Michigan Farm Market Association (MIFMA), Michigan Integrated Food and Farming Systems (MIFFS) and MDA.

At the March 31, 2009 meeting, the regulation of shell eggs sold by producers to the final consumer was discussed. A representative of the Office of Attorney General (AG) was present to hear arguments regarding whether or not MDA has the authority to regulate shell eggs sold by the producer to final consumer or first receiver.

MDA has received an Attorney General opinion dated July 17th regarding "Exemption of egg producers from licensing as food establishments". The opinion essentially says that Michigan's specific 1963 Egg Law controls over the more general Food Law of 2000. Section 13 of the Egg Law states that "All producers shall comply with this act except those selling eggs of their own production direct to consumers or when delivering to a first receiver".

Based upon the opinion, the department will not license or regulate eggs being sold directly by a producer to a consumer or being sold or delivered to a first receiver ("First receiver" means a person who receives eggs from a producer at any place of business where such eggs are to be candled, graded, sorted and packed or packaged". "Consumer" means a person purchasing eggs for his own family use or consumption).

FDA /USDA regulations would still apply to eggs, where applicable. Federal egg processing guidelines, created under the federal Shell Egg Surveillance Act, govern the registration and inspection of egg producers who manage large flocks of 3,000 or more hens.



# Operational Guidelines

## FOR VENDORS AT THE FARMERS' MARKET

The Minnesota Department of Agriculture, [www.mda.state.mn.us](http://www.mda.state.mn.us)



The purpose of this guideline is to highlight essential information for vendors and market managers. When in doubt, please call the MDA at 651-201-6027 to help you figure out the licensing requirements. If the market inspection is delegated to a local city or county, please contact the appropriate regulatory agency.

### WHO NEEDS A LICENSE?

- *Resellers of any food, including produce.*
- *Most vendors who sell any food products (except those that are exempted under Minnesota Statutes 28A.15 Sub-division 2, 9 or 10).*
- *A FOOD ESTABLISHMENT OR FOOD PLANT licensed by the MDH or MDA might need to get a different type of food license to sell foods at a farmers' market. Contact the MDA to clarify.*

### WHAT FOODS ARE EXEMPT FROM LICENSING UNDER (MINNESOTA STATUTE 28A.15).

Three categories of foods or food sellers are exempt from licensing.

1. "persons selling the products of the farm or garden occupied and cultivated by them" are exempted (see M.S.15 Sub-division 2). For example, if you grow all of the produce that you have for sale (e.g. fruits, vegetables, herbs etc.) you are exempt from licensing. However, if you BUY any produce or food to sell, you are not exempt and need a license.

This exemption may apply to some home raised meats. However, all ingredients must be grown on the farm to qualify for the exemption. For

example, even though the pork in bacon is grown by the farmer, because the salt, cure, and spices are not grown by the farmer, a license for the sale of bacon would be required. Additionally, even if a product doesn't need a license, all other regulations regarding food safety and meat sales apply. Contact the MDA at 651-201-6027 for details.

2. Individuals who prepare and sell food that is NOT considered a potentially hazardous food at a community event or farmers' market are exempt as long as they meet all of the following requirements (see M.S. 28A.15 Sub-division 9).
  - gross receipts cannot exceed \$5,000.00 in a calendar year from the prepared food items.
  - seller must post a visible sign stating: "THESE PRODUCTS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTION"
  - foods must be labeled to include name and address of the person preparing and selling the foods.

Examples of foods that are NOT considered a potentially hazardous food and could be sold under this exemption would be jams, jellies, cakes, cookies, fruit pies, breads, maple syrup, lefse etc.

3. Individuals who prepare and sell home-processed and home-canned food products (see M.S. 28A.15 Sub-division 10, also known as the "The Pickle Bill"). The products need to meet all of the following requirements:

- pickles, vegetables or fruits that have an equilibrium pH value of 4.6 or lower
- products are home-processed and home-canned in Minnesota
- products are sold or offered for sale at community or social event or a farmers' market in Minnesota.
- seller displays sign stating: "THESE CANNED GOODS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTIONS."
- each container sold or offered for sale is labeled with: the name and address of the person who processed and canned the goods and date of processing and canning.

Foods sold under this exemption include ONLY Minnesota home-processed and canned foods with a pH below 4.6 which MAY include some canned pickles, tomatoes, salsa, apples, pickled beets, horseradish, sauerkraut and most fruits. The key is the final pH which is dependent on the product and the formulation.

The following types of foods CANNOT be sold under either of the above exemptions: apple or fruit juice, pumpkin pies, custard pies, cream puffs, low acid canned foods such as green beans, corn, peas, mushrooms, soups, meat, fish, eggs or any other products containing meat, eggs, dairy or any product that requires refrigeration.

#### WHAT ARE THE REQUIREMENTS FOR SELLING EGGS AT A FARMERS' MARKET?

- A. Licensing requirements
  - Persons selling eggs produced only on their farm are exempt from licensing.
  - Persons reselling eggs need a license.
- B. Other requirements (whether licensed or exempt).
  - Candling and Grading
    - All eggs offered for sale need to be candled and graded.

- Labeling
  - Each carton needs to have the following label information:
    - correct size and grade
    - statement: "Perishable, Keep Refrigerated"
    - statement: "Safe Handling Instructions: "To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly".
    - code dated with the pack date which is the Julian date
    - dated with the freshness date and explanation of the date
    - name, address and zip code of packer or distributor.
- Refrigeration
  - Eggs need to be kept under mechanical refrigeration at 45°F or less.

#### CAN POULTRY BE SOLD A FARMERS' MARKET?

It is best to discuss this matter with someone from MDA (651-201-6027) as Federal and State laws have varied requirements for poultry and sales at farmers' markets. In most cases, the poultry for sale at farmers' markets must have been processed under continuous State or USDA inspection.

#### WHAT INSPECTION IS REQUIRED FOR BEEF, PORK, CERVIDAE, LAMB ETC. SOLD AT A FARMERS' MARKET?

Federal and State laws require that meat products be processed under continuous inspection of the USDA or the Minnesota Meat Inspection Program. Therefore, virtually all meats sold at a farmers' market must be inspected by a Federal or Minnesota State Inspector. Custom processed meat cannot be sold.

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## WHAT LABELING IS REQUIRED ON PACKAGED FOODS?

Label requirements for packaged food at a farmers' market are the same as any retail establishment. Basic labels must include:

- name of product
- net contents
- list of ingredients in descending order of predominance \*\*
- name, address and zip code of producer or distributor.

*\*\*KEY -- In order to provide needed information to customers with food sensitivities or allergies it is mandatory that ingredient statements accurately identify the allergenic ingredients (eggs, peanuts, tree nuts, soy, milk, fish, shellfish, and wheat).*

*\*\*It is highly recommended that products produced under the exemptions in 28A.15 subdivision 9 and 10 also be labeled with an accurate ingredient statement or sold under a placard with an accurate ingredient statement.*

## ARE PETS ALLOWED IN FOOD STANDS?

The only animals allowed in the area of operation are police dogs and service animals, such as patrol or handicap assistance dogs.

## CAN I SELL WILD MUSHROOMS AT THE FARMERS' MARKET?

Wild mushrooms kill consumers every year. A food license and successful completion of a wild mushroom identification course from a provider approved by the MDA would be required to sell wild mushrooms including morels at a farmers' market. Other requirements would apply.

## WHAT IF I WANT TO COOK AND OR PREPARE FOOD FOR SALE ON SITE AT A FARMERS' MARKET?

If you want to cook or prepare food on site for sale at a farmers' market you must contact the regulatory agency for the market site to determine the license and facility requirements.

Specific rules can be found in Minnesota Rules 4626 the "Uniform Minnesota Food Code" available on the MDA website.

## WHAT ARE THE MINIMUM REQUIREMENTS IF I WANT TO PROVIDE FREE FOOD SAMPLES?

Sampling in a farmers' market setting is not the same as sampling in a licensed food establishment that has an approved water supply, hand washing, equipment washing, produce washing and rest room facilities available. Vendors wishing to sample must first receive approval from their market board AND from the appropriate regulatory agency. MINIMUM requirements are as follows:

**License:** A license is probably required. Contact your regulatory agency BEFORE offering samples.

**Water Supply:** Water must come from an approved source. A private residential well is not an approved source. Water must be provided and come from an approved source.

**Waste Water:** All waste water must be disposed of in an approved sanitary sewer system. Disposal on the ground or in a storm sewer is not acceptable.

**Hand-washing:** An approved hand washing device in your stand is required. A suggestion for building an inexpensive hand wash sink can be found on the MDA website at [www.mda.state.mn.us](http://www.mda.state.mn.us). The use of a large coffee pot or container filled with warm water that drains into a container with, hand soap and single use hand towels MAY be acceptable for a stand that offers samples ONLY. It would probably not be acceptable for a vendor that wanted to prepare and sell food.

**Manual Equipment and Utensil Washing Facilities:** Three food – grade containers (with lids) which are large enough to allow the proper cleaning and sanitizing of the food equipment in use must be provided and used as follows;

1. Wash in warm soapy water.
2. Rinse off all soap residue from utensils in clean water.
3. Dip rinsed utensils into sanitizing solution so that it is completely covered, then remove and allow to air dry on a clean surface. Follow instructions on sanitizer container for proper sanitizer concentrations and provide and use a compatible sanitizer test kit to check sanitizer concentrations.

IF A LICENSED FOOD ESTABLISHMENT OR FOOD PLANT has ware washing equipment at their permanent location, they MAY be allowed to wash all of their equipment at their permanent location if enough cleaned and sanitized equipment is provided so that no cleaning and sanitizing is needed at the farmers market. Hand washing facilities would still be required at the stand. See your regulatory agency.

Food sampling promotions are not to be set up as “self service” displays for consumers to help themselves. Dispensing of product must be done in a safe and sanitary manner under the control of the vendor. Only single service, disposable eating and drinking utensils may be used such as single use food papers, napkins, toothpicks, spoons etc.

## CHEF DEMONSTRATIONS

Contact your regulatory agency BEFORE THE EVENT. A chef demonstration with NO sampling or food sale would not require a license.

A chef demonstration with sampling or food sale would probably require a license and be required to meet all of the above minimum requirements. A potential option for a chef demonstration with sampling MAY be to have the chef prepare his items to be sampled at his LICENSED FOOD ESTABLISHMENT OR FOOD PLANT and transport the samples to the market for distribution. A license, hand washing facilities etc still may apply.

## FOOD SAMPLING ISSUES

All produce such as berries, melons, apples, grapes etc must be washed thoroughly before sale or sampling. If a separate produce prep washing sink for these items is not provided on site and used or provided and used back at the LICENSED FOOD ESTABLISHMENT OR FOOD PLANT then these items should not be offered for sampling.



In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request.

TTY: 1-800-627-3529. An Equal Opportunity Employer and Provider



## Kuczenski, Tracy

---

**From:** Julian, Jamie  
**Sent:** Monday, March 11, 2013 10:33 AM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Farmer to Consumer Egg Bill

Hi Tracy,

If it's still possible to add another labeling requirement to our /1 here, please hold off on sending this to editing.

The third requirement might be an expiration date/best if used by requirement. Since I'm not an egg expert yet I don't know when eggs are supposed to expire – I believe one of our neighbors had a "no later than 30 days from pack date" requirement. We will probably use whatever appears to be industry standard. If you are able to look this up easily let me know. Otherwise I'm happy to provide an answer.

A quick internet search shows:

*Fresh eggs have a long shelf life, as long as you refrigerate them quickly. Expiration or sell by dates are sometimes state-required, and USDA-graded eggs (AA, A or B) will display a pack date (the day the eggs were washed, graded and placed in the carton).*

It doesn't appear there are any federal regs to base our sell by date off of...Does Wisconsin have a required sell by date for eggs?

Thanks,  
Jamie

---

**From:** Julian, Jamie  
**Sent:** Monday, March 04, 2013 4:41 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Farmer to Consumer Egg Bill

Hi Tracy,

Last email – let me know if you have any questions:

Licensing requirement for farmer to consumer at markets:      None

Handling/display requirements at markets:      Temp requirement – same as current

**Labeling requirement:**      1) (clearly visible) Name and address of  
farmer/vender      2) (clearly visible) Pack date/date eggs were  
packed

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

## Kuczenski, Tracy

**From:** Julian, Jamie  
**Sent:** Monday, March 11, 2013 10:39 AM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Farmer to Consumer Egg Bill

June 25, 2013 Telephone conversation  
w/ Jamie: delete proposed sld. 97.29(2)  
(b) 3.c. with labeling requirement:

→ name and address of person selling the eggs

From another internet source:

According to the U.S. Dept. of Agriculture (USDA):

Many eggs reach stores only a few days after the hen lays them. Egg cartons with the USDA grade shield on them, indicating they came from a USDA-inspected plant, must display the 'pack date' (the day that the eggs were washed, graded, and placed in the carton). The number is a three-digit code that represents the consecutive day of the year (the 'Julian Date') starting with January 1 as 001 and ending with December 31 as 365.

Though not required, most egg cartons also contain a "sell by" date beyond which they should not be sold. In USDA-inspected plants (indicated by the USDA shield on the package), this date can't exceed 30 days beyond the pack date which is within USDA regulations. **Always purchase eggs before their "sell by" date.**

→ date eggs packaged  
→ sell by date (30 days after pack date)



...30 days seems to be recurring, so, please require a "sell by" date on the label that is not more than 30 days after the pack date unless another length of time makes sense depending on Wisconsin law.

Thanks again,  
Jamie Julian

---

**From:** Julian, Jamie  
**Sent:** Monday, March 04, 2013 4:41 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Farmer to Consumer Egg Bill

Hi Tracy,

Last email – let me know if you have any questions:

Licensing requirement for farmer to consumer at markets: None

Handling/display requirements at markets: Temp requirement – same as current

**Labeling requirement:**  
farmer/vender  
packed

- 1) (clearly visible) Name and address of
- 2) (clearly visible) Pack date/date eggs were

*Jamie Julian*

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2<sup>nd</sup> Assembly District

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**From:** Kuczenski, Tracy  
**Sent:** Monday, March 04, 2013 11:27 AM  
**To:** Julian, Jamie  
**Subject:** RE: Farmer to Consumer Egg Bill

Thanks for this information, Jamie.

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Julian, Jamie  
**Sent:** Monday, March 04, 2013 11:25 AM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Farmer to Consumer Egg Bill

[https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/88](https://docs.legis.wisconsin.gov/code/admin_code/atcp/88)

*Jamie Julian*

Office of Rep. André Jacque  
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**To:** Kuczenski, Tracy  
**Subject:** Farmer to Consumer Egg Bill

Hi Tracy,

Per our phone conversation the basic intent of this bill is to deregulate egg sales in situations where an individual is (1) selling eggs from his/her own flock (2) at a farmer's market (3) directly to consumers/not for resale. Please reference the

attachment for information on current WI law. We are okay with the required storage temp for markets – I need to touch base with Rep. Jacque on how he would like to handle labeling, but will be in touch shortly.

Thank you,

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

## Chapter ATCP 88

### EGG GRADING, HANDLING AND LABELING

ATCP 88.01 Definitions.  
 ATCP 88.02 Egg processing, handling and storage.  
 ATCP 88.04 Temperature standards.  
 ATCP 88.06 Grade, size and quality standards.

ATCP 88.08 Egg labeling.  
 ATCP 88.10 Deceptive practices.  
 ATCP 88.12 Dealers buying eggs from producers; receipts.

**History:** Chapter Ag 90 as it existed on June 30, 1974 was repealed and a new chapter Ag 90 created effective July 1, 1974; Chapter Ag 90 was renumbered ch. ATCP 88 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 88 as it existed on October 31, 1996 was repealed and a new chapter ATCP 88 was created effective November 1, 1996.

**ATCP 88.01 Definitions.** (1) "Candling" means carefully examining, in a dark place, the interior and exterior of a whole egg that is placed in front of a strong light source.

(2) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(3) "Dirty egg" means an egg, with an unbroken shell, that has either of the following:

(a) Dirt or foreign material adhering to the shell's surface.

(b) Prominent or moderate stains covering more than 1/32 of the shell surface area if localized, or 1/16 of the shell surface area if scattered.

(4) "Egg" means the shell egg of the domestic chicken, *G. gallus, domesticus*.

(5) "Federal act" means the agricultural marketing act of 1946, as amended (7 USC 1621 et seq.), the egg products inspection act of 1970 (21 USC 1031-1056), and regulations issued under either act.

(6) "Inedible egg" means an egg in which any of the following is present:

(a) Black rot.

(b) Yellow rot.

(c) White rot.

(d) Mixed rot, also known as addled egg.

(e) Sour egg.

(f) Green egg white.

(g) Stuck yolk.

(h) Mold.

(i) Mustiness.

(j) A blood ring observable upon candling.

(k) An embryo chick at or beyond the blood ring stage.

(L) Adulteration under s. 97.02, Stats.

(7) "Package" has the meaning given in s. ATCP 90.01 (16).

**Note:** A "package" of eggs is the retail package in which the eggs are sold to a consumer. A "package" is different from a shipping container.

(8) "Person" means an individual, corporation, partnership, limited liability company, cooperative, association or other business entity.

★ (9) "Process" means to grade, size, candle, package or otherwise prepare eggs for sale.

(10) "Shipping container" means any box, case, rack or other container used to distribute packages of eggs, or bulk or loose eggs, to a seller or institutional purchaser of eggs.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.02 Egg processing, handling and storage.** (1) **GENERAL.** Except as provided in this chapter:

(a) A person who processes eggs in this state shall comply with applicable requirements under chs. ATCP 70 and 75.

(b) A person who operates a warehouse used for the storage of eggs shall comply with applicable requirements under ch. ATCP 71.

(c) A person who sells eggs at retail shall comply with applicable requirements under ch. ATCP 75.

(2) **EGG PROCESSING FACILITIES.** (a) Egg grading rooms shall be kept reasonably clean during grading operations and shall be thoroughly cleaned at the end of each day's operations.

(b) Egg candling areas shall be dark enough to permit accurate determinations of egg quality.

(c) Egg candling lights shall be strong enough to disclose dirty eggs and to permit accurate determinations of egg quality.

(d) If automated grading equipment is used to detect blood inside of eggs or cracked shells or "checks," the equipment shall be calibrated and adjusted for sensitivity so that the processed eggs comply with applicable grade standards.

(e) Lighting in egg packing areas shall be adequate to disclose dirty packing materials and packing material defects that may affect the safety or quality of eggs.

(f) Equipment used to weigh eggs shall be kept reasonably clean and shall be routinely calibrated for accuracy.

(g) Dogs, cats and other domestic animals shall be kept out of egg processing and storage areas.

(3) **EGG STORAGE FACILITIES.** (a) Egg storage facilities shall be capable of maintaining eggs at temperatures required under s. ATCP 88.04, regardless of reasonably foreseeable external temperatures.

(b) Every egg storage facility shall be equipped with one or more accurate temperature measuring devices to monitor compliance with temperature standards under s. ATCP 88.04. The air temperature shall be monitored in representative locations of the egg storage facility.

(4) **EGG CLEANING OPERATIONS.** (a) Shell egg cleaning equipment shall be kept in good repair. Equipment shall be cleaned after each day's use and more frequently if necessary. Compounds used to clean or sanitize eggs shall be compounds listed in the current "List of Proprietary Substances and Nonfood Compounds" published semiannually by the United States department of agriculture.

**Note:** The "List of Proprietary Substances and Nonfood Compounds," published semiannually by the United States department of agriculture, is on file with the department and may be obtained from the United States department of agriculture, agricultural marketing service, poultry programs, grading branch, 1400 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C. 20250, STOP 0256.

(b) Water used to clean shell eggs shall be at least 20° F. warmer than the eggs, and shall not be colder than 90° F. Eggs may not be left standing or soaking in cleaning water.

(c) Eggs shall be removed from all scanning, washing, rinsing and other processing areas during employee rest periods if they would otherwise be exposed to excessive heat build-up during those periods.

(d) Washed eggs shall be reasonably dry before they are placed in packages or shipping containers.

(5) **SHELL EGG PROTECTION.** If an oil is used to protect shell eggs, that oil shall be listed in the current "List of Proprietary

Substances and Nonfood Compounds" published semiannually by the United States department of agriculture. A shell egg protection oil treatment, if any, shall be performed in a manner that prevents egg contamination and preserves egg quality.

**Note:** The "List of Proprietary Substances and Nonfood Compounds," published semiannually by the United States department of agriculture, is on file with the department and may be obtained from the United States department of agriculture, agricultural marketing service, poultry programs, grading branch, 1400 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C. 20250, STOP 0256.

**(6) EGG HANDLING AND PACKING.** (a) Eggs shall be handled and packed to minimize the likelihood that condensation will accumulate on the eggs.

(b) Eggs shall be packed so that a substantial majority of the packed eggs are placed in the package or shipping container with the small end down.

(c) Egg packages and shipping containers shall be all of the following:

1. Clean and in good condition.
2. Free of mold, mustiness and off-odors.
3. Sufficiently strong and durable to protect eggs from damage during normal distribution.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.04 Temperature standards. (1) TEMPERATURE PRIOR TO PROCESSING AND PACKING.** Eggs that are held prior to processing and packing for more than 24 hours after they are laid shall be kept at an average ambient temperature of 60° F. (16° C.) or below.

**Note:** It is recommended that eggs be processed and packed as soon as practicable and within 5 days after they are laid.

**(2) TEMPERATURE AFTER PROCESSING AND PACKING.** Eggs which have been processed and packed shall be kept at an average ambient temperature of 45° F. (7° C.) or below at all times, including while they are being transported.

**Note:** Mechanical refrigeration is recommended for eggs that are in transport for more than 4 hours.

**(3) SALE OF FROZEN EGGS PROHIBITED.** No person may sell or offer for sale any eggs that have been frozen.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.06 Grade, size and quality standards. (1) EGG GRADES.** (a) Except as provided under par. (b), eggs sold or distributed in this state shall be labeled as grade AA, A or B, and shall conform to the United States grade standards specified for those grades under the federal act.

(b) Paragraph (a) does not apply to any of the following:

1. Ungraded eggs clearly labeled as such.
2. Eggs conforming to other grades or classifications permitted under the federal act, and clearly labeled as such.
3. Eggs that are exempt from grading under the federal act.

**(2) EGG SIZES.** (a) Except as provided under par. (b), eggs sold or distributed in this state shall be labeled as Jumbo, Extra Large, Large, Medium, Small or Peewee, and shall conform to the United States size standards specified for those sizes under the federal act.

(b) Paragraph (a) does not apply to any of the following:

1. Ungraded eggs clearly labeled as such.
2. Eggs conforming to other sizes or classifications permitted under the federal act, and clearly labeled as such.
3. Eggs that are exempt from size labeling under the federal act.

**Note:** United States consumer grades and sizes are described in "United States Standards, Grades, and Weight Classes for Shell Eggs" under 7 CFR 56 (c). A copy may be purchased from the United States department of agriculture, agricultural marketing service, poultry programs, grading branch, 1400 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C. 20250, STOP 0256.

**(3) MINIMUM STANDARDS.** (a) Except as provided under par. (b) or, no person may sell or distribute for sale as human food any eggs that fail to meet United States minimum standards for grade

B eggs, regardless of whether the eggs are labeled as graded or ungraded eggs.

(b) Paragraph (a) does not apply to either of the following:

1. Eggs which the egg producer sells directly to a household consumer on the premises where the eggs are produced.

2. Eggs which are exempt from grade B standards under the federal act.

**(4) INEDIBLE EGGS.** Inedible eggs may not be sold or distributed for sale as human food and shall be disposed of as provided under the federal act.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.08 Egg labeling. (1) EGG PACKAGES.** Except as provided under sub. (3) (a), a package of eggs shall be labeled with all of the following:

(a) Information required under ch. ATCP 90, including all of the following:

1. A declaration of product identity under s. ATCP 90.02.
2. A declaration of responsibility under s. ATCP 90.03. If the responsible person identified on the package is not the egg packer, the package shall also include the packer identification number or shell egg handler registration number assigned by the United States department of agriculture, or the packer identification number assigned by the state in which the packing operation is located. A United States department of agriculture (USDA) packer number shall be preceded by the letter "P". A state packer number shall be preceded by a 2-letter abbreviation which identifies the state.
3. A declaration of net quantity under ss. ATCP 90.04 and 90.08 (16) (c).
4. Nutrition labeling under s. ATCP 90.10.

(b) The grade and size of the eggs, if required under s. ATCP 88.06. The grade and size shall be printed on the principal display panel in letters not less than 3/16 inch high. If the eggs are not graded, the word "UNGRADED" shall be printed in letters at least 1/4 inch high on the principal display panel. Ungraded eggs may be sold from bulk containers if a sign or placard adjacent to the bulk display identifies the eggs as ungraded eggs.

(c) The statement "KEEP REFRIGERATED" or an equivalent statement indicating that the eggs must be refrigerated. The statement shall be printed on the principal display panel in letters not less than 3/16 inch high.

(d) The date on which the eggs were packed. The date of packing may be indicated by an abbreviation consisting of one of the following:

1. The first three letters of the month and the calendar date.
2. The numerically consecutive day of the year, also known as the Julian calendar date.

(e) One of the following dates, in addition to the packing date under par. (d):

1. An expiration date or "sell by" date after which the eggs may not be offered for sale or sold at retail. The expiration date may not be more than 30 days from the packing date, including the day on which the eggs were packed. The expiration date or "sell by" date shall be designated by at least the first three letters of the month and the date within that month. The date shall be accompanied by a phrase or abbreviation such as "sell by" or "EXP" which clearly identifies it as an expiration date or "sell by" date.
2. A "use by" date consisting of at least the first 3 letters of the month, and the date within that month. The date shall be accompanied by a phrase such as "use by," "best if used by" or "use before," which indicates that the consumer should use the eggs before that date.

**(2) SHIPPING CONTAINERS.** Except as provided under sub. (3), a shipping container of eggs shall be labeled on one end with all

of the following information, in letters not smaller than ½ inch high:

- (a) A statement identifying the contents of the container.
- (b) The name and address of the responsible person in whose name the eggs are packed and distributed. If the responsible person is not the egg packer, the shipping container shall also include the packer identification number or shell egg handler registration number under sub. (1) (a) 2. If the responsible person is the packer, the packer's identification number or shell egg handler registration number under sub. (1) (a) 2. may appear in place of the packer's name and address.
- (c) The net quantity of eggs contained in the shipping container.
- (d) The grade and size of the eggs contained in the shipping container, if required under s. ATCP 88.06.
- (e) The statement "KEEP REFRIGERATED" or an equivalent statement indicating that the eggs must be refrigerated.
- (f) The date on which the eggs were packed.
- (g) One of the following dates, in addition to the packing date under par. (f):

1. An expiration date or "sell by date" after which the eggs may not be sold or offered for retail sale. The expiration date or "sell by" date may not be more than 30 days from the packing date, including the day on which the eggs were packed. The expiration date shall be designated by at least the first three letters of the month and the date within that month. The date shall be accompanied by a phrase or abbreviation such as "sell by" or "EXP" which clearly identifies it as an expiration date or "sell by" date.

2. A "use by" date consisting of at least the first 3 letters of the month, and the date within that month. The date shall be accompanied by a phrase such as "use by," "best if used by" or "use before," which indicates that the consumer should use the eggs before that date.

**(3) EGGS SOLD OR SHIPPED BY PRODUCER, EXEMPTION.** (a) Subsections (1) and (2) do not apply to either of the following:

- 1. Eggs which are being shipped from the producer to the packer.
- 2. Eggs which the producer sells directly to household consumers on the premises where the eggs are produced.

(b) Subsection (2) does not apply to a shipping container which holds only identical packages of eggs, provided that the packages are identically labeled according to sub. (1) and the label information can be seen through the shipping container.

**(4) EGGS REMOVED FROM RETAIL SALE.** (a) No eggs may be sold as whole eggs at retail after the expiration or "sell by" date specified for those eggs under subs. (1) (e) 1. or (2) (g) 1. If otherwise used as human food, the eggs shall meet at least grade B egg standards.

(b) Eggs labeled with dates under subs. (1) (e) or (2) (g) shall retain those dates and may not be repackaged or relabeled with any other dates.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.10 Deceptive practices.** No person may do any of the following in connection with the sale or distribution of eggs:

(1) Misrepresent the grade, size, or quality of the eggs, the date on which the eggs were packed, or the sale expiration date of the eggs.

(2) Use any term, such as "super jumbo" or "super one dozen," that tends to exaggerate the number or size of eggs.

(3) Sell, offer for sale, or distribute eggs in any misbranded package or shipping container.

(4) Offer for sale or sell eggs without clearly indicating the grade and size of the eggs or that they are ungraded.

(5) Represent that eggs are fresh unless they conform to grade standards specified for grade A or grade AA eggs under the federal act.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.

**ATCP 88.12 Dealers buying eggs from producers; receipts.** (1) No person may buy eggs from a producer for resale, where the price paid to the producer is based on the grade or size of the eggs, unless that person provides that producer with a written receipt showing all of the following:

(a) The grades and sizes of the eggs purchased from the producer, including the number of dozen and price per dozen purchased in each grade and size category. Grades and sizes shall be determined according to s. ATCP 88.06.

(b) The date on which the eggs were graded.

(c) Whether the eggs were graded by or for the person purchasing the eggs from the producer.

(2) A person required to give a receipt under sub. (1) shall keep a copy of the receipt for at least one year, and shall make the receipt available to the department for inspection and copying upon request.

**Note:** A person who violates this chapter may be prosecuted under ss. 93.21 and 97.72, Stats.

**History:** Cr. Register, October, 1996, No. 490, eff. 11-1-96.



4/7/2013

70.62 ATCP

(16) Food processing means ... "preparation of food for sale through the process of... ~~or~~ packing... or packaging, or through any other treatment or preservation process..."

Does not include

(a) activities covered under a dairy plant license issued under s. 97.20

(b) Activities covered under a meat or poultry establishment license issued under s. 97.42

(17) Food processing plant means any place where food processing is conducted.

[ 97.30 = retail food establishments  
97.20 = dairy plant

70.03 ATCP "Except as provided under sub. (7), no person may operate a food processing plant without a valid license issued by the department for that f.p. plant under

97.29, Stats."

- expires annually 3/31

- \$75 if annual production is < \$25,000.

97.29(1)(g) defines food processing.

97.29(2)(a) requires license, (b) provides exceptions





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-17988

TKK:.....

RMR

PI  
elevator

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV  
xref N/A

in 4/8/13

soon

gen cat

1 AN ACT **relating to:** the sale of eggs.

***Analysis by the Legislative Reference Bureau***

Current law requires a person to obtain a food processing license before the person may operate a food processing plant. Current law defines a food processing plant as any place where food processing is conducted. Current law defines food processing to include the preparation, including packaging, of food for sale.

This bill exempts from licensure a person who sells eggs from the person's flock directly to the consumer at a farmers' market located in this state.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 97.29 (2) (b) 3. of the statutes is created to read:

3 97.29 (2) (b) 3. A person is not required to obtain a license under this section  
4 to sell eggs if all of the following apply:

\*\*\*\*NOTE: Egg is not defined in the statutes; egg is defined in Wis. Admin. Code ATPC 88.01 (4) as "the shell egg of the domestic chicken, G. gallus, domesticus." Do you want to define egg for purposes of this exemption?

5 a. The eggs are produced by the person's flock.

✓

1           b. The eggs are sold directly to a consumer at a farmers' market located in this  
2 state.

3           c. The person complies with all processing, handling, storage, and labeling  
4 requirements established by the department by rule.

^ \*\*\*\*NOTE: Wisconsin Administrative Code ch. ATCP 88 governs the processing,  
storage, grading, handling and labeling of eggs. ATCP 88.04 specifies the temperature at and (e) require  
which eggs must be stored, and ATCP 88.08 (1) (d) requires that a package of eggs identify  
the date on which the eggs were packed and an expiration or "sell by" date, among other  
information.

5

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1798/P1 PL

TKK:eev:ph

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

6/25/13

1 **AN ACT** <sup>regm</sup> *to create* 97.29 (2) (b) 3. of the statutes; **relating to:** the sale of eggs.

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***Analysis by the Legislative Reference Bureau***

Current law requires a person to obtain a food processing license before the person may operate a food processing plant. Current law defines a food processing plant as any place where food processing is conducted. Current law defines food processing to include the preparation, including packaging, of food for sale.

This bill exempts from licensure a person who sells eggs from the person's flock directly to the consumer at a farmers' market located in this state.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 97.29 (2) (b) 3. of the statutes is created to read:

3 97.29 (2) (b) 3. A person is not required to obtain a license under this section  
4 to sell eggs if all of the following apply:

\*\*\*\*NOTE: "Egg" is not defined in the statutes; "egg" is defined in Wis. Adm. Code ATCP 88.01 (4) as "the shell egg of the domestic chicken, G. gallus, domesticus." Do you want to define "egg" for purposes of this exemption?

5 a. The ~~eggs~~ <sup>are produced by the person's flock</sup>

person's flock produced the

*sells*  
*person sells the*

1 b. The *eggs* *are sold* directly to a consumer at a farmers' market located in this  
2 state.

3 c. The person complies with all processing, handling, storage, and labeling  
4 requirements established by the department by rule.

\*\*\*\*NOTE: Wisconsin Administrative Code ch. ATP 88 governs the processing, storage, grading, handling, and labeling of eggs. ATP 88.04 specifies the temperature at which eggs must be stored, and ATP 88.08 (1) (d) and (e) require that a package of eggs identify the date on which the eggs were packed and an expiration or "sell by" date, among other information.

5 (END)

*person labels the*

*person packs the*

*The* *Carton* in which the *eggs* with the  
person's name and address, the date on which the person packed the eggs into  
the carton, and a date *by* which the eggs must be sold  
*that falls no more than 30 days after the date on which the eggs*  
*were packed*

## Kuczenski, Tracy

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**From:** Julian, Jamie  
**Sent:** Thursday, July 18, 2013 5:14 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Draft review: LRB -1798/P2 Topic: Regulation of direct sale of eggs

Hi,

Let just add the second option for now – 45 f – I'll be in touch regarding the necessity of farmer's market issue soon.

*Jamie Julian*

Office of Rep. André Jacques  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

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**From:** Kuczenski, Tracy  
**Sent:** Wednesday, July 17, 2013 11:32 AM  
**To:** Rep.Jacque  
**Subject:** RE: Draft review: LRB -1798/P2 Topic: Regulation of direct sale of eggs

Hi Jamie –

There is no definition for “farmer’s market” in either the statutes or the administrative code. Do you want to provide one?

Regarding temperature of the eggs, the administrative code provides two temperature requirements:

ATCP 88.04 Temperature standards.

ATCP 88.04 (1) TEMPERATURE PRIOR TO PROCESSING AND PACKING. Eggs that are held prior to processing and packing for more than 24 hours after they are laid shall be kept at an average ambient temperature of 60° F. (16° C.) or below.

ATCP 88.04 (2) TEMPERATURE AFTER PROCESSING AND PACKING.. Eggs which have been processed and packed shall be kept at an average ambient temperature of 45°F. (7°C.) or below at all times, including while they are being transported.

Do you want both temperature requirements included in the draft?

Thanks,  
Tracy

Tracy K. Kuczenski  
Legislative Attorney  
Wisconsin Legislative Reference Bureau

[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** Rep.Jacque  
**Sent:** Wednesday, July 03, 2013 4:54 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Draft review: LRB -1798/P2 Topic: Regulation of direct sale of eggs

Hi,

I think we also need to add a temp requirement – I believe it is 45 f or less in the rule – whatever is in place regarding handling in our rules would be great. Also is there a definition of farmer's market on our books? If so, could you please incorporate it into our bill. Thank you!

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

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**From:** LRB.Legal  
**Sent:** Thursday, June 27, 2013 10:48 AM  
**To:** Rep.Jacque  
**Subject:** Draft review: LRB -1798/P2 Topic: Regulation of direct sale of eggs

**Following is the PDF version of draft LRB -1798/P2.**

## Kuczenski, Tracy

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**From:** Julian, Jamie  
**Sent:** Wednesday, September 25, 2013 3:19 PM  
**To:** Kuczenski, Tracy  
**Subject:** LRB -1798/P2 Topic: Regulation of direct sale of eggs

Hi Tracy:

Just to recap from our phone call, we would like a final draft with the 45 f applied to eggs being transported to/sold at a market. We will not explore adding any specific definition of farmer's market at this time.

Thanks again,

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

---

**From:** Kuczenski, Tracy  
**Sent:** Wednesday, July 17, 2013 11:32 AM  
**To:** Rep.Jacque  
**Subject:** RE: Draft review: LRB -1798/P2 Topic: Regulation of direct sale of eggs

Hi Jamie –

There is no definition for “farmer’s market” in either the statutes or the administrative code. Do you want to provide one?

Regarding temperature of the eggs, the administrative code provides two temperature requirements:

ATCP 88.04 Temperature standards.

ATCP 88.04 (1) TEMPERATURE PRIOR TO PROCESSING AND PACKING. Eggs that are held prior to processing and packing for more than 24 hours after they are laid shall be kept at an average ambient temperature of 60° F. (16° C.) or below.

ATCP 88.04 (2) TEMPERATURE AFTER PROCESSING AND PACKING.. Eggs which have been processed and packed shall be kept at an average ambient temperature of 45°F. (7°C.) or below at all times, including while they are being transported.

Do you want both temperature requirements included in the draft?

Thanks,  
Tracy



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1798/P2

TKK:eev:jf

*Rm R*

*SOON*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*9/26/13*

*regen*

1 **AN ACT** *to create* 97.29 (2) (b) 3. of the statutes; **relating to:** the sale of eggs.

---

***Analysis by the Legislative Reference Bureau***

Current law requires a person to obtain a food processing license before the person may operate a food processing plant. Current law defines a food processing plant as any place where food processing is conducted. Current law defines food processing to include the preparation, including packaging, of food for sale.

This bill exempts from licensure a person who sells eggs from the person's flock directly to the consumer at a farmers' market located in this state.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 97.29 (2) (b) 3. of the statutes is created to read:

3 97.29 (2) (b) 3. A person is not required to obtain a license under this section  
4 to sell eggs if all of the following apply:

5 a. The person's flock provided the eggs.

6 b. The person sells the eggs directly to a consumer at a farmers' market located  
7 in this state.



- 1 c. The person labels the carton in which the person packs the eggs with the  
2 person's name and address, the date on which the person packed the eggs into the  
3 carton, and a date that falls no more than 30 days after the date on which the eggs  
4 were packed by which the eggs must be sold.

5

(END)

\* do The person keeps <sup>the</sup> eggs packaged as provided under subd<sup>o</sup>  
3<sup>o</sup> c<sup>o</sup> at an ambient temperature of 45<sup>o</sup> F or below at all  
times prior to sale<sup>o</sup>

degrees  
ahrenheit

\* <sup>(B) (C)</sup> SECTION <sup>(P)</sup> 2 Initial applicability<sup>o</sup>

\* (1) This act first applies to the sale of eggs on the  
effective date of this subsection<sup>o</sup>

**Parisi, Lori**

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**From:** Julian, Jamie  
**Sent:** Wednesday, October 23, 2013 4:37 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1798/1 Topic: Regulation of direct sale of eggs

Please Jacket LRB -1798/1 for the ASSEMBLY.